

REMARKS

I. Introduction

Claims 1 to 7 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

II. Objection to the Drawings

The drawings were objected to for allegedly including new matter.

Specifically, the Office Action at page 2 states that “element 14 in Fig. 1 and the way of operation shown in new Figs. 3-4 are unclear and appear to be new matter. Element 14 was not shown or discussed in the originally filed application. Its shape, arrangement and use, therefore, are new matter. Further, it is unclear how it interacts with element 13.” Similarly, the Office Action at page 3 states that “the detailed shape of the blade 14 and the lamellae structures position in the spring element were not originally disclosed. Furthermore, these figures also appear to be contradicted by element 13 in Fig. 1.”

However, element 14 in Figure 1 indicates a conventional knife blade, which is described throughout the originally-filed specification, e.g., at page 3, lines 3 to 5, 14 to 18, and 24 to 26; page 4, lines 17 to 21; and page 4, line 32 to page 5, line 12. Although not originally shown in the Figures, it is respectfully submitted that one having ordinary skill in the art would understand element 14 to be a conventional knife blade having known shape, as described throughout the originally-filed specification.

Also, contrary to the assertion of the Office Action, the “way of operation shown in new Figs. 3-4” and “lamellae structures position in the spring element” are described in the originally-filed specification. Specifically, the specification at page 4, lines 25 to 27 states that “[t]he spatial dimensions of external retention spring 3 are such that, in the unassembled state, contact lamellae 7 may move freely inside external retention spring 3,” as shown in Figure 4. In addition, the specification at page 4, line 32 to page 5, line 2 states that “[u]pon insertion of a knife blade into electrical connector 1, contact lamellae 7 expand to a maximum position, at which they rest against the inside of external retention spring 3,” as shown in Figure 3. Therefore, it is respectfully submitted that one having ordinary skill in the art would understand the “way of operation shown in new Figs. 3-4” and “lamellae structures position in the spring element,” as described in the originally-filed specification.

Further, support elements 13 are “a part of the external retention spring 3,” as described in the Amendments to the Specification section of the response filed on August 25, 2004. Moreover, as stated in the Amendments to the Drawings section of the response filed on August 25, 2004, the reference character 13 is “a highly schematic box.” Thus, it is respectfully submitted that one having ordinary skill in the art would understand the support elements 13 to be a part of the spring 3, which does not contradict any other elements described. While the objection may not be agreed with, to facilitate matters, reference numeral 13 has been added to Figures 1, 3, 4, and 5, to designate the highly schematic box that is part of spring 3, as suggested by the Office Action.

No new matter has been added, and the drawings are supported by the present application. In view of all of the foregoing, withdrawal of the objections to the drawings is respectfully requested.

III. Objection to the Specification

As regards the objection to the Specification, as more fully set forth above, it is respectfully submitted that the previously submitted amendments to the specification related to the new drawings submitted on 2/15/06 and 4/30/07 do not constitute new matter. Withdrawal of this objection is therefore respectfully requested.

IV. Rejection of Claims 1 to 7 Under 35 U.S.C. § 112

Claims 1 to 7 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully submit that claims 1 to 7 fully satisfy the written description requirement of 35 U.S.C. § 112 for at least the following reasons.

As an initial matter, the Office bears the initial burden of presenting “evidence or reasons why persons skilled in the art would not recognize in an applicant’s disclosure a description of the invention defined by the claims.” (See M.P.E.P. § 2163.04 (citing In re Wertheim 541 F.2d 257, 262, 265, 191 U.S.P.Q. 90, 96, 98 (C.C.P.A. 1976))) (emphasis added). The Manual of Patent Examining Procedure also provides that if an examiner rejects a claim based on the lack of a written description, the examiner should “identify the claim limitation not described” and provide “reasons why persons skilled in the art would not recognize the description of this limitation in the disclosure of the application.” (See id.). However, the written description requirement is not an in haec verba requirement. That is,

“the specification ‘need not describe the claimed subject matter in exactly the same terms as used in the claims; it must simply indicate to persons skilled in the art that as of the [filing] date the applicant had invented what is now claimed.’” All Dental Prodx LLC v. Advantage Dental Products Inc., 64 U.S.P.Q.2d 1945, 1948 (Fed. Cir. 2002) (quoting Eiselstein v. Frank, 52 F.3d 1035, 1038, 34 U.S.P.Q.2d 1467, 1470 (Fed. Cir. 1995)). Moreover, a “failure of the specification to specifically mention a limitation that later appears in the claims is not a fatal one when one skilled in the art would recognize upon reading the specification that the new language reflects what the specification shows has been invented.” All Dental Prodx, 64 U.S.P.Q.2d at 1948 (citing Eiselstein, 52 F.3d at 1039, 34 U.S.P.Q.2d at 1470). An applicant can show “possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words, structures, figures, diagrams, and formulas that fully set forth the claimed invention.” M.P.E.P. § 2163 (citing Lockwood v. American Airlines, Inc., 107 F.3d 1565, 1572, 41 U.S.P.Q.2d 1961, 1966 (Fed. Cir. 1997)).

The Office Action alleges that the features of *the knife blade maintaining contact with the contact segment and contact point*, as recited in claim 1, and *the knife blade, which maintains contact with the contact segment and contact point*, as recited in claim 5, constitute new matter. Specifically, the Office Action at page 4 states that “it is unclear how the knife blade could maintain contact with both the contact segment and the contact point.... It appears that the blade could maintain contact with the contact point only.” Applicants respectfully disagree. As set forth in claims 1 and 5, and in the Specification at page 4, lines 13 to 21, contact point 10 is part of contact region 9 of contact lamellae 7, which are part of contact segment 6. Thus, since contact point 10 is part of contact segment 6, it is respectfully submitted that it is possible to maintain contact with both the contact segment and the contact point, as recited in claims 1 and 5.

In addition, the Specification states that an object of the present invention is to increase the contact reliability by ensuring optimal normal contact force of each contact lamella. (Specification, p. 3, lines 2 to 5; and p. 5, lines 18 to 20). Thus, the Specification makes clear that contact reliability can be achieved by ensuring optimal normal contact force at each contact point of each contact lamella. It follows that optimal normal contact force at each contact point can only be achieved by maintaining contact between the knife blade and the contact segment and contact point, even on further insertion of the knife blade. Therefore, the Specification makes clear that the knife blade maintains contact with the contact segment and contact point.

Therefore, Applicants respectfully submit that the features of *the knife blade maintaining contact with the contact segment and contact point*, as recited in claim 1, and *the knife blade, which maintains contact with the contact segment and contact point*, as recited in claim 5, do not constitute new matter.

In view of the foregoing, it is respectfully submitted that claims 1 to 7 fully comply with the written description requirement of 35 U.S.C. § 112, first paragraph, and withdrawal of this rejection is therefore respectfully requested.

V. Rejection of Claims 1 to 7 Under 35 U.S.C. § 103(a)

Claims 1 to 7 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of U.S. Patent No. 4,168,878 (“Risser et al.”) and U.S. Patent No. 5,135,417 (“Stanevich”). Applicants respectfully submit that the combination of Risser et al. and Stanevich does not render unpatentable the present claims for the following reasons.

In order for a claim to be rejected for obviousness under 35 U.S.C. § 103(a), the prior art must teach or suggest each element of the claim. See Northern Telecom, Inc. v. Datapoint Corp., 908 F.2d 931, 934 (Fed. Cir. 1990), cert. denied, 111 S. Ct. 296 (1990); In re Bond, 910 F.2d 831, 834 (Fed. Cir. 1990). In addition, as clearly indicated by the Supreme Court, it is “important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements” in the manner claimed. See KSR Int’l Co. v. Teleflex, Inc., 127 S. Ct. 1727 (2007). Further, the Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. M.P.E.P. §2143.

Claim 1 recites the features of “the contact lamellae are configured to spring off freely at a beginning of an insertion of a knife blade into the contact segment, and, after further insertion of the knife blade, *only free ends of the contact lamellae configured to come to rest against the spring element in direct proximity to the contact point with the knife blade maintaining contact with the contact segment and contact point.*” Further, claim 5 recites the features of “*the contact lamellae are configured to interact with the knife blade, which maintains contact with the contact segment and contact point, so as to contact the spring element in direct proximity to the at least one contact point.*” As more fully set forth above, no new matter has been added. Support for these features can be found in the Specification, for example, at p. 4, lines 17 to 21, and p. 4, line 32 to p. 5, line 9.

In contrast, Risser et al. purportedly relate to pin and socket type electrical terminals. The Office Action admits that Risser does not disclose “after further insertion of

the blade, the free ends configured to rest against the spring element and the contact lamellae configured to deform.” (Office Action, p. 5). Stanevich purportedly relates to a dual usage electrical/electronic pin terminal system. For the reasons detailed below, Applicants respectfully submit that the combination of Risser et al. and Stanevich does not disclose, or even suggest, all of the claimed features of claims 1 and 5.

The plug connector of the present application has an inner contact part 2 and a retention spring 3, which at least partially encloses the inner contact part 2. A knife blade 14 inserted into the plug connector contacts the inner contact part 2 at contact point 10 forcing the lamellae 7 apart such that the free ends 7' of the lamellae 7, which are in direct proximity to the contact point 10, contact the inner surface of the retention spring 3 and remain in direct proximity to the contact point 10. The proximity of the contact point 10 and the point where the free ends 7' of the lamellae 7 contact the inner surface of the retention spring 3 assures that the contact between the lamellae 7 and the retention spring 3 adequately transmits a bracing effect to the lamellae 7 at contact point 10. In contrast, as shown in Figure 7 of Stanevich, the point on the Stanevich device adjacent reference number 20 (where the springs 17, 18 contact retention spring 14) is on an opposite end of the springs 17, 18 from contact points 24 (where the springs 17, 18 contact element 11). Thus, the point adjacent reference number 20 is spaced away from contact points 24 of springs 17, 18. Therefore, the contact between the Stanevich retention spring 14 and springs 17, 18 does not provide the same level of bracing support at the contact points 24 between element 11 and the springs 17, 18, as that achieved by the electrical connector embodiment configuration of presently pending claims 1 and 5.

The Office Action alleges that the free ends of the contact lamellae in Figure 7 of Stanevich are configured to rest against the spring element in direct proximity to the contact point. Claims 1 and 5 make clear that the contact point refers to the point in which knife blade is in contact with when the free ends of the contact lamellae contact the retention spring. The lamellae of Stanevich contact the knife blade at two points. During initial insertion, as shown in Figure 6 of Stanevich, the knife blade first contacts the lamellae at point 22, but the lamellae have not expanded sufficiently to contact the retention spring 14. Therefore, point 22 does not constitute a contact point in the context of claims 1 and 5. The Office Action at page 6 agrees that point 22 is not a contact point. Upon further insertion of the knife blade, as shown in Figure 7 of Stanevich, the knife blade then contacts the lamellae at point 24 and no longer contacts the lamellae at point 22. It is the contact at point 24 which maintains the free ends 20 of the lamellae in contact with the retention spring 14. However,

point 24 is at the opposite end of the contact lamellae and, therefore, is not in direct proximity to where the retention spring 14 and contact lamellae rest against each other (adjacent point 20).

Nonetheless, the Office Action asserts that contact point 24 of Stanevich is in direct proximity to the free ends 20 of the contact lamellae. Specifically, the Office Action at page 6 states that “[a] distance from the point 24 to the free ends 20 of Stanevich is consider[ed as] being in direct proximity to the contact point.” Applicants respectfully submit that this assertion is illogical. The *American Heritage® Dictionary of the English Language: Fourth Edition* (2000) defines proximity as “the state, quality, sense, or fact of being near or next; closeness.” Thus, the plain meaning of the term “direct proximity” is wholly contrary to the clear separation distance between contact point 24 and free ends 20 of Stanevich, as stated by the Office Action. Indeed, as more fully set forth above, the contact point 24 of Stanevich is situated at the opposite end of the contact lamellae from the free ends 20. Thus, it is completely illogical to conclude that two elements located at opposite ends of the contact lamellae are also in “direct proximity.”

Therefore, for at least the foregoing reasons, Applicants respectfully submit that the combination of Risser et al. and Stanevich does not disclose, or even suggest, the features of “the contact lamellae are configured to spring off freely at a beginning of an insertion of a knife blade into the contact segment, and, after further insertion of the knife blade, *only free ends of the contact lamellae configured to come to rest against the spring element in direct proximity to the contact point with the knife blade maintaining contact with the contact segment and contact point,*” as required by claim 1, and “*the contact lamellae are configured to interact with the knife blade, which maintains contact with the contact segment and contact point, so as to contact the spring element in direct proximity to the at least one contact point,*” as required by claim 5. Accordingly, it is respectfully submitted that the combination of Risser et al. and Stanevich does not render unpatentable claims 1 and 5.

Claims 2 to 4 ultimately depend from claim 1 and therefore include all of the features of claim 1. Claims 6 and 7 depend from claim 5 and therefore include all of the features of claim 5. As more fully set forth above, it is respectfully submitted that the combination of Risser et al. and Stanevich does not disclose, or even suggest, all of the features of claim 1, from which claims 2 to 4 ultimately depend, and claim 5, from which claims 6 and 7 depend. Therefore, it is respectfully submitted that the combination of Risser et al. and Stanevich does not render unpatentable these dependent claims for at least the same reasons provided above in support of the patentability of claims 1 and 5, respectively.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

VI. Conclusion

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,
KENYON & KENYON LLP

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By: /Clifford A. Ulrich/
Clifford A. Ulrich, Reg. No. 42,194 for
Gerard A. Messina (Reg. No. 35,952)

One Broadway
New York, New York 10004
(212) 425-7200
CUSTOMER NO. 26646